

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIELSEN CONSUMER LLC,

Plaintiff,

-against-

CIRCANA GROUP, L.P.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>3/28/2025</u>

POST-CONFERENCE ORDER

22-CV-3235 (JPO) (KHP)

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

On March 27, 2025, the parties appeared before the undersigned for a case management conference. As discussed at the conference and set forth more fully on the record, it is hereby ordered that:

The parties shall inform each other at least one week in advance of a deposition if they intend to use materials designated as Highly Confidential – Attorney’s Eyes Only (“AEO”) in the deposition and those materials shall maintain their Highly Confidential – AEO designation despite being used in the deposition. The parties do not need to comply with this instruction for those materials that the protective order already permits to be shown to the deponent.

The parties may move to de-designate materials designated as Highly Confidential – AEO. Before filing any such motion, the parties shall meet and confer in an attempt to reach a resolution. In the event they are unable to compromise, the parties may file a Motion to Compel. The motion should be no longer than 5 pages. Any opposition shall be limited to 5 pages. No reply. The movant shall provide the Court with a copy of the document(s) at issue for *in camera* review at the time the motion is filed. No pre-letter motion shall be required so long as the number of documents at issue is less than 10.

Plaintiff shall produce to Defendant the full recording of Jim Peck's speech at the organization's 2024 Senior Leadership Meeting **by April 11, 2025.**

Defendant shall produce to Plaintiff responsive text messages from custodians Thomas Poulos and Peter Zsamboky **by April 11, 2025.** Plaintiff shall produce to Defendant responsive text messages from custodian Natalie Williams **by April 11, 2025.** No other custodian's text messages need be searched as discussed more fully on the record at the conference.

Defendant shall produce to Plaintiff, or if already produced, identify for Plaintiff the materials regarding KPI reporting that were allegedly provided to Plaintiff in ways other than through inclusion in Defendant's monthly reports or a PowerPoint presentation during the period June 2023 through August 2024. Such production shall be made **by April 11, 2025.**

Plaintiff's request to file a motion that Defendant be ordered to provide a supplemental response to Plaintiff's Interrogatory No. 3 is GRANTED. Plaintiff may file a Motion to Compel a more complete response to Interrogatory No. 3 **by April 4, 2025.** Defendant's opposition is due **by April 11, 2025.** There shall be no reply. The briefs shall be no longer than 10 pages.

Plaintiff's request that Defendant be ordered to provide a supplemental response to Plaintiff's Interrogatory No. 12 is DENIED without prejudice. Plaintiff shall review the data it has already been provided and meet and confer with Defendant in an attempt to reach a resolution on any remaining disagreement.

The parties shall meet and confer regarding Plaintiff's request that Defendant be ordered to disclose the number of CoinOut panelists.

Plaintiff shall file a Motion to Compel the document it alleges Defendant improperly clawed back on the eve of a deposition **by April 4, 2025.** Defendant shall file its opposition

along with a copy of the document at issue by email to the undersigned's chambers **by April 11, 2025**. There shall be no reply. The letter briefs shall be no longer than 5 pages.

A case management conference in this matter will be held on **Wednesday, May 7, 2025 at 10:00 a.m.** in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: March 28, 2025
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge